

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

IN RE: ORDER ON COURT)
PROCEEDINGS IN RESPONSE TO) **ADMINISTRATIVE ORDER**
THE COVID-19 PANDEMIC) **OF THE PRESIDING JUDGE OF THE**
) **DOUGLAS COUNTY COURT**
) **EFFECTIVE APRIL 12, 2021**

WHEREAS, pursuant to the Nebraska Supreme Court's order of November 3, 2020, the Douglas County Court reduced its operation to essential activities.

WHEREAS, the Nebraska Supreme Court's Order of November 3, 2020, allows Douglas County Court to adopt their own plans for resumption of court activity.

NOW THEREFORE, by the authority vested in the Presiding Judge of the Douglas County Court

IT IS HEREBY ORDERED:

The health and welfare of court personnel, attorneys, and members of the public entering the Courthouse remains paramount in this decision to expand court operations. COVID-19 has had an impact on court operations throughout the state; however, we are optimistic that with expanded availability of COVID-19 vaccines in Douglas County, the Court has ability to open more courtrooms and expand operations will continue. After careful consideration, the Court expands operations effective April 1, 2021 in accordance with the plan set forth in this Order.

SAFETY AND SECURITY PROTOCOLS FOR ALL IN-PERSON COURT PROCEEDINGS:

- 1) Effective April 1, 2021, the Court will attempt to hold capacity to 75% of occupancy as a guideline and each judge will be responsible for setting the number of persons to be allowed in the courtroom at his or her discretion. Access shall be limited to legal counsel, Defendants, Witnesses, Courthouse Staff and credentialed media (See Item 4). Any non-party requesting admission to any county courtroom must receive permission from the assigned Courtroom Judge prior to admission. As a guideline:

	Authorized	Social Distanced
CR226	71	53
CR227	50	37
CR228	82	61
CR229	48	36

- 2) The gallery seating area inside each courtroom will have six-foot intervals marked on the benches.
- 3) Plexiglass shields have been installed in every courtroom on the bench, the witness box and the bailiff's desk.
- 4) The assigned Courtroom Judge will make reasonable accommodations to make hearings accessible to members of the credentialed press who shall be admitted to the courtrooms (other than hearings that are closed to the public) upon the proper request per the Nebraska Bench/Bar Media Guidelines.
- 5) All persons who enter the courtrooms must properly wear an approved face covering and use hand sanitizer, otherwise authorized by the assigned Courtroom Judge.
- 6) Each courtroom shall have a proper supply of sanitizing wipes and/or hand sanitizer for use at counsel table.

CRIMINAL ARRAIGNMENTS AND TRIALS:

- 1) Criminal jury selections and jury trials scheduled to begin as of April 1, 2021 will proceed as scheduled and will not be automatically continued due to COVID-19. The parties should prepare for criminal jury trials as scheduled.
- 2) Each judge assigned to criminal jury cases shall deal with juries in their civil months unless there are extenuating circumstances. Any special jury trial settings shall be communicated to the Presiding Judge and Court staff to ensure that all Courtrooms have judicial coverage. The Court recognizes the right of criminal defendants to a speedy and public trial under the Sixth Amendment to the United States Constitution and the particular application of that right in cases involving defendants who are detained pending trial; Defendants who are detained prior to trial will have priority.
- 3) Recognizing the continued guidance from the CDC for social distancing, Jury Criminal Pretrials shall be set in Courtroom #229. This will be based on the overall number of pretrials set on dates to be determined. Overflow on those dates will be closed and all arraignments shall be heard in Courtroom #228. The Presiding Judge and Court staff will meet weekly to determine the status of overflow for the following week. Everyone affected by this shall be notified by e-mail informing them of the Courtroom #229 closure. This will permit for any change in arrangements.
- 4) Additionally, the City Prosecutor and Defense Counsel shall use plea agreement waivers as appropriate and mutually agreed upon.
- 5) The Judge assigned to Courtroom #228 in the morning and the afternoon may take an out of custody early plea of the case that is assigned to him or her. Judges in Courtroom #228 may take an out of custody early plea from a case not assigned to them only with the consent of the assigned Judge. The early plea request shall have the permission of the assigned Courtroom Judge consistent with the social distancing recommendations as set forth above.
- 6) The Court will continue taking pleas via WebEx in jail at 10:00 on Tuesday, Wednesday, and Friday mornings.
- 7) No prisoners shall be transported for any arraignments or pre-trials. This includes criminal pretrials in courtroom #227 or traffic trial pre-trials in courtroom #226 unless specifically directed by the assigned Judge. If any attorney wishes to have a prisoner transported for a pre-trial conference it must be after consultation with the assigned Judge and it shall be arranged with his or her permission. Staff shall not reach out and ask the Judge if a person, meeting these restrictions, should be transported and the staff will not solicit transport requests.
- 8) Preliminary Hearings will continue as normal business in Courtroom #625. All parties transported will be screened according to the Douglas County Corrections screening procedures. Transports will be in accordance with the Douglas County Sheriff's Office COVID prevention strategies. The strategies may result in staggering transport trips, which may create a delay in the defendant's arrival in the Courtroom. The Court will continue to promote and encourage written waivers in lieu transporting defendants.

CIVIL CASES, SMALL CLAIMS CASES AND EVICTION PROCEEDINGS:

- 1) Civil Jury Trials will begin no sooner than September 1, 2021, however, the Court will monitor the criminal jury trial progression and open up civil jury trials as appropriate.
- 2) Each Judge shall be responsible for his or her civil docket and utilize available time to address civil motions.
- 3) All bench trials shall resume and shall be in-person.
- 4) The Court will continue to cap rent and restitution cases at 30 but will allow the other matters to proceed as scheduled as filed, i.e., garnishee liability hearings, debtor's exams, replevins. If more than 30 evictions are scheduled, any number over 30 will be re-set in the afternoon and the 3 civil judges shall handle them.
- 5) Exhibits shall no longer be e-filed or e-mailed and will be submitted as part of the in-person hearing.
- 6) Witnesses and non-party persons may be asked to wait outside the courtroom or in another designated location as authorized by the assigned Courtroom Judge.

ESTATE, GUARDIANSHIP AND CONSERVATORSHIP HEARINGS:

- 1) All hearings regarding Estates, Guardianships and Conservatorships shall return to in-person hearing effective April 1, 2021 except by a prior Order of the assigned Courtroom Judge.
- 2) WebEx and telephonic hearings will continue to be an appearance option with the approval of the assigned Judge and with proper coordination.

WEDDINGS:

- 1) Unless otherwise ordered, the couple to the ceremony will be allowed in the courthouse with a maximum twenty – (20) guests in attendance

DURATION OF ORDER:

- 1) This Order shall remain in effect until September 1, 2021 unless earlier rescinded or superseded.
- 2) This Court Order supersedes, vacates and modifies any prior Administrative Order
- 3) The Court will monitor conditions and provide updated Orders as need.

EFFECTIVE DATE:

This Order shall become effective on April 12, 2021

Dated April 6, 2021.

BY THE COURT:



HONORABLE THOMAS K. HARMON
PRESIDING JUDGE OF THE
DOUGLAS COUNTY COURT